

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 498 - SB 633

February 21, 2011

SUMMARY OF BILL: Broadens the offenses of aggravated assault and criminal homicide committed against a pregnant woman to include the fetus, regardless of viability, as a victim.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$71,500/Incarceration*

Assumptions:

- The definition of "victim" currently includes a viable fetus.
- According to the Department of Correction (DOC), there has been an average of 1,474 admissions for aggravated assault and criminal homicide offenses in each of the past 10 years. DOC assumes that 0.1 percent of the total assaults ($1,474 \times 0.1\% = 1.47$) would meet the expanded definition of a victim. One additional offender would be sentenced to a Class C felony as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class C felony is 3.23 years (1,179.76 days). The operating cost per offender at 3.23 years is \$71,517.05 ($\$60.62 \times 1,179.76$ days).
- Any impact on the caseloads of state trial courts due to removal of the fetus viability requirement can be accommodated within existing judicial resources without an increased appropriation.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc